

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WILLIAM KANTZ,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 3:17-cv-00051

Judge Crenshaw
Magistrate Judge Newbern

ORDER

The parties appeared on April 10, 2017, for a hearing on Defendant Bank of America's Motion for a Protective Order (Doc. No. 23). Pursuant to the parties' arguments in their filings and at the hearing, the Court ORDERS as follows:

Bank of America's Motion for a Protective Order is GRANTED IN PART AND DENIED IN PART.

The deposition of Bank of America's corporate designate pursuant to Federal Rule of Civil Procedure 30(b)(6) shall take place in its principal place of business, which counsel has represented to be Dallas, Texas. *See* 8A Fed. Prac. & Proc. Civ. § 2112 n.16 (3d ed.) (collecting cases).

This action contains a single claim: that Bank of America failed did not provide a timely payoff statement to Kantz as required by the Truth In Lending Act, 12 U.S.C. §§ 2605, *et seq.* The scope of the deposition is therefore defined only by that cause of action. Counsel agreed that the deposition shall be limited to Topics 9 (the application of all fees, costs, expenses, or charges of any type to the Note) and 10 (the current payoff balance as of the date of the examination) in the

Second Notice of Deposition of the Corporate Designate for Bank of America, NA (Amended)
(Doc. No. 23-1, PageID# 303.) Any document production shall be similarly limited.

The parties shall agree upon a mutually convenient date for the examination before the deposition is noticed. The scheduling of the deposition shall be at least 30 days from the date of this Order. The parties shall notify the Court of the date and time of the deposition.

Counsel for Plaintiff Kantz shall not communicate with Bank of America, N.A., on any topic related to this litigation except through its counsel.

Bank of America's request for fees is DENIED WITHOUT PREJUDICE to being renewed if appropriate.

It is so **ORDERED**.


ALISTAIR E. NEWBERN
United States Magistrate Judge